

## Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW PRIORITY

C O N F I D E N T I A L STATE 215115

FOR MATLOCK FROM GARRISON

E.O. 11652: GDS

TAGS: OGEN

SUBJECT: OFFICIAL-INFORMAL

1. WE APPRECIATE PROMPT REPORTING RE SOVIET REJECTION OF CIVAIR PROTEST NOTE CONTAINED MOSCOW 13532. WE IMMEDIATELY BROUGHT MESSAGE TO CAB'S ATTENTION AND BELIEVE IT WILL BE A CATALYST FOR PROMPT ACTION.

A. STATE LETTER URGING CAB ACTION UNDER SECTION 412 WAS FORWARDED AUGUST 23 (COPY POUCHED YALOWITZ) BUT CAB HAD EXPRESSED SOME RELUCTANCE TO ISSUE AN ORDER THAT WOULD NOT HAVE EFFECTIVE COMMERCIAL IMPACT ON AEROFLOT OPERATIONS. THAT SENTIMENT HAS DISAPPEARED FOR THE FOLLOWING REASON. THERE ARE THREE CATEGORIES OF SALES FOR AEROFLOT SERVICES IN THE US: THROUGH PAN AM, THROUGH THIRD CARRIERS, AND THROUGH TRAVEL AGENTS. THE LAST CATEGORY IS COMPOSED OF 12 TRAVEL AGENCIES, DESIGNATED BY PAN AM TO SELL AEROFLOT SERVICES. THEY SELL ABOUT 90 PERCENT OF THE AEROFLOT SERVICES SOLD IN THE US, MOSTLY GENERAL TOURS. THE CAB ORDER WOULD MERELY PROHIBIT THE SALES OF AEROFLOT SERVICES

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THROUGH THIRD AIRLINES BUT PAN AM HAS NOW AGREED TO ISSUE

AN INSTRUCTION WITHDRAWING THE AUTHORITY FOR THE

DESIGNATED TRAVEL AGENCIES TO SELL AEROFLOT SERVICES. PAN AM IS PROVIDING THE CAB WITH SOME DATA ON ALL THREE CATEGORIES OF SALES AND THE CAB, IN ITS ORDER, WILL TAKE OFFICIAL COGNIZANCE OF THE PAN AMERICAN INSTRUCTION. THE SUM OF THESE ACTIONS, THE CAB BELIEVES, MIGHT WELL HAVE SIGNIFICANT COMMERCIAL IMPACT ON AEROFLOT SALES. WE ANTICIPATE CAB ACTION EARLY WEEK OF AUGUST 30.

B. WE HAVE CIRCULATED PAPER TO THE OFFICE OF AVIATION AND OUR LEGAL PEOPLE BASED ON YOUR LETTER RECOMMENDING THE REDUCTION OF AEROFLOT FREQUENCIES TO ONE PER WEEK. THE RESPONSE HAS BEEN ENTHUSIASTIC AND INFORMAL CONSULTATIONS WITH THE CAB INDICATE THAT FROM THE LEGAL VIEWPOINT, THE CAB WOULD BE MORE AT EASE WITH FREQUENCY REDUCTION THAN WITH SECTION 412 ORDER. IN ANY CASE, WE WILL PUSH FOR BOTH ACTIONS, ASSUMING SOVIETS CONTINUE TO MAINTAIN POSITION EXPRESSED IN YOUR REPORTS. WE DO NOT BELIEVE THAT FREQUENCY REDUCTION SHOULD TAKE PLACE BEFORE NOVEMBER 1 SINCE TERMS OF AMENDED BILATERAL EXTEND UNTIL THAT TIME. WE WOULD, HOWEVER, OPENLY ANNOUNCE OUR INTENTIONS TO THE SOVIETS BEFORE IMPLEMENTING THE REDUCTION. PAN AM HAS ALSO INFORMALLY CONCURRED WITH THIS SCENARIO.

C. WE NOTE ALSO THAT AEROFLOT CONTINUES TO VIOLATE FLIGHT SPECIFICATIONS CONTAINED IN BILATERAL AND IMPLEMENTED BY FAA BY FLYING INTO US OVER MONTREAL. THE FAA ON AUGUST 26 INSTRUCTED ITS INTERNATIONAL FIELD OFFICER IN NEW YORK TO CALL THESE VIOLATIONS TO THE ATTENTION OF AEROFLOT NORTH AMERICA MANAGER SHTEFAN (SHTEFAN, OF COURSE, WAS PARTICIPANT IN JUNE MOSCOW ROUND DURING WHICH US CIVAIR DEL RAISED THIS MATTER AND SAMORUKOV SAID VIOLATIONS WOULD CEASE). FAA WILL GIVE SOVIETS FIFTEEN DAYS AFTER MEETING WITH SHTEFAN TO COMPLY WITH REGULATIONS. IF VIOLATIONS PERSIST, FAA WILL CONSIDER LEVYING A FINE. EACH VIOLATION COULD RESULT IN A FINE UP TO ONE THOUSAND DOLLARS. IF THE FINE IS NOT PAID, THE MATTER CAN BE REFERRED TO THE US ATTORNEY'S OFFICE. THE ULTIMATE US ACTION WOULD BE SEIZURE OF THE VIOLATING AIRCRAFT.  
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D. WE WILL KEEP YOU APPRAISED OF DEVELOPMENTS IN ALL OF ABOVE.

2. WITH THINGS ON TRACK IN KIEV WE SEE NO PARTICULAR VIRTUE IN YOUR TAKING THE TIME FOR LUNCH WITH HIM. WILL GET SOMETHING TOGETHER SOONEST ON ADVANCE PARTIES, WHICH WILL NOW BE HIS MAIN INTEREST.

3. WILL POUCH ANOTHER SET OF INSPECTION MATERIALS IN CASE THE LAST ONE WENT ASTRAY SOMEHOW.

4. RE TITLES, HOW WOULD YOU FEEL ABOUT GOING AHEAD WITH COUNSELOR TITLES FOR EXT AND POSSIBLY INT IN ADVANCE OF A DECISION ON THE MINISTER-COUNSELOR FRONT. IN AN INFORMAL WAY WE COULD BORROW A LEAF FROM SOVIET PRACTICE AND CALL MARSHALL A "SENIOR COUNSELOR" IN THE INTERIM. IF YOU SEE ANY VIRTUE IN THIS WE COULD TRY. HOW ABOUT SHOSTAL AS OUR PRIME TARGET NOW?

5. WHAT'S YOUR CONSIDERED OPINION ON THE EXHIBIT BROCHURE ISSUE? WE AGREE THAT THE MFA WON'T BACK DOWN. THE ARTICLE IN QUESTION IS FROM THE JULY AI, AND WE MAY WELL HAVE TO EAT THIS TOO. THERE ARE WAYS OF CHANGING THE BROCHURE, BUT NOT AI. USIA'S HORSEBACK JUDGMENT IS TO REFUSE TO CHANGE IT, LEAVING THE SOVIETS WITH THE BLAME FOR NO BROCHURE. WE DON'T THINK THIS WOULD GIVE THE SOVIETS ANY HEARTBURN, BUT CAN SEE THAT IF WE DID CHANGE IT WOULD PROBABLY HIT THE PRESS AND BECOME A "DETENTE" ISSUE. KISSINGER

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